

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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KENNETH CREIGHTON,

Plaintiff,

-against-

Docket #: 12-CV-7454  
(PGG)(DCF)

THE CITY OF NEW YORK, DETECTIVE DEAN ROBERTS  
(Shield No. 05861), DETECTIVE GLENN GODINO  
(Shield No. 2756), POLICE OFFICERS JOHN DOES 1-10  
(names being fictitious and presently unknown and intended  
to be employees of the NYPD who were involved in Plaintiff's  
arrest, detention, imprisonment, and/or prosecution),  
DISTRICT ATTORNEY ROBERT T. JOHNSON,  
ASSISTANT DISTRICT ATTORNEY BRUCE BIRNS  
A/K/A BURNS, ASSISTANT DISTRICT ATTORNEY ED  
TALTY a/k/a ED TULTY and ASSISTANT DISTRICT  
ATTORNEY MICHAEL COOPER,

**DECLARATION OF  
RICHARD GROSS**

Defendants.  
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RICHARD GROSS, an attorney duly admitted to practice law in the State of New York,  
affirms the truth of the following:

1. I am a member of the law firm of Rubert & Gross, P.C. and together with Pazer, Epstein & Jaffe, P.C. we represent plaintiff, Kenneth Creighton.
2. I submit this Affirmation in support of plaintiff's instant motion, pursuant to Rule 37 of the Federal Rules of Civil Procedure for an Order imposing sanctions of defendants for spoliation of evidence.
3. I further submit to the Court true and accurate copies of certain documents, which are referred to in plaintiff's accompanying Memorandum of Law as follows:  
  
Exhibit A, Amended Complaint.  
  
Exhibit B, Notice of Claim.

Exhibit C, Declaration of John Afrides.

Exhibit D is transcripts of defendant, Godino's depositions.

E transcript of Kijafa Spruell's deposition.

Exhibit F is a copy of transcript of Fawaz Terab's deposition.

Annexed hereto as Exhibit G is a copy of the transcript of the deposition of a Confidential Informant (to be filed under seal).

Dated: June 27, 2016

\_\_\_\_\_/s\_\_\_\_\_  
RICHARD GROSS